

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

December 11, 2013

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:32 p.m. in the City Council Conference Room on the 11th day of December, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Holman, Jungman, and Chairman Miller

ABSENT: Councilmember Kovach

OTHERS PRESENT: Councilmember Robert Castleberry, Ward Three
Ms. Susan Connors, Planning and Community Development Director
Mr. Terry Floyd, Development Coordinator
Captain Blake Green, Norman Police Department
Mr. Steve Lewis, City Manager
Ms. Leah Messner, Assistant City Attorney
Ms. Karla Chapman, Administrative Assistant III

Item 1, being:

DISCUSSION OF CITY CODE PROVISIONS RELATIVE TO VACANT/ABANDONED PROPERTIES.

Ms. Susan Connors, Planning and Community Development Director, said several Councilmembers have expressed more information and discussion on ordinances regarding vacant and/or abandoned properties. She said vacant and/or abandoned properties do have an impact on adjacent property as well as the neighborhood as a whole. Ms. Connors said Tulsa adopted a vacant/abandoned property registration ordinance in July, 2010, and more recently Oklahoma City (OKC) adopted a similar ordinance on December 3, 2013. She highlighted both Tulsa and OKC's ordinances as follows:

City of Tulsa

Tulsa defines a neglected vacant building or residential structure as a building regardless of the use, square footage, or the presence of more than one living unit, a portion of which is unoccupied or unsecured; unoccupied and secured by other than normal means; unoccupied and unsafe as defined by the City of Tulsa Code Enforcement; and/or unoccupied and the City of Tulsa Code Enforcement Officer has issued an order to correct the code enforcement violation(s). Additional ordinance provisions include:

- Ordinance established a program for identifying and registering neglected vacant buildings and residential structures;
- Set forth the responsibilities for owners of these properties;
- Speed the rehabilitation or demolition of neglected and vacant buildings;
- All property owned by Federal, State, or any subdivision of the state are exempt;
- Property suffered by fire or extreme weather damage is exempt for 90 days after the event;
- Owners must register no later than 30 days after a neglected vacant building or residential structure qualifies under the ordinance;
- Registration includes: description of the premises; names, addresses, and telephone number of owners, lien holders, and local person who is authorized to act for the owner; proof of insurance; neglected vacant building or residential structure Plan; \$50 annual fee; and \$500 annual fee if property remains vacant, has received a notice of code violation in previous 24 months, until property is demolished or rehabilitated and occupied.

Item 1, continued:

Ms. Connors said a neglected vacant building or residential structure Plan includes three options as follows: a Demolition Plan; a Plan for securing and maintaining the building in accordance with the City of Tulsa standards (an insurance or cash bond must be posted); and a Rehabilitation Plan with a timeline for re-occupancy.

Ms. Connors said Rehabilitation Plans cannot exceed 365 days from the date of submission, will include progress benchmarks at least every four (4) months, an insurance or cash bond must be posted; and if timeline is not adhered to a \$500 fee is charged.

Should the owner fail to comply with the Plan, the City of Tulsa may make repairs to the property to keep it in compliance with City code and bill the owner for those repairs; revoke the Plan; and fine the owner up to \$1,000 and/or 60 days in jail.

The City of Tulsa's ordinance contains a list of all items that must be maintained to keep the building and property safe and secure as well as, owners must notify the City of Tulsa if there is any change in ownership.

The City of Oklahoma City (OKC)

OKC identifies a vacant building as any building or portion thereof that, regardless of its structure condition, is not currently occupied and to which any one of the following conditions apply to include: 1) declared unsecured or dilapidated pursuant to the provisions of the State Code and remains in such condition; 2) the water or electric service to the building has been shut off for more than 60 days; and 3) the building is the subject of a foreclosure action. Additional ordinance provisions include:

- Ordinance was adopted to create a registration and assessment program for vacant or abandoned buildings in order to ensure that the buildings are promptly rehabilitated, reoccupied, or demolished;
- Owners of vacant residential or commercial buildings must submit an application to obtain a certificate of registration – *residential* within 30 days after the building becomes vacant and *commercial* within 12 months after the building becomes vacant;
- Applications include: address of vacant building(s); identification of and contact information for the applicant; identification of and contact information for the person or persons responsible for maintenance of the building; plan and timeline for occupancy or disposition of the building; and the owner must pay a \$285 fee and annual fee of \$190.

Ms. Connors said after property owners register, OKC may conduct visual inspections of the exterior to determine if any code violation exists. If violations are present, OKC may take steps to ensure the building comes into compliance according to code requirements. Inspections may occur up to once a month and the fee for a visual inspection is \$190.

Inventory of Vacant Properties in Norman

The Planning and Community Development Department has a list of vacant which they maintain and the Code Enforcement Officers add to the list as new vacant structures are identified. Ms. Connors said the list is primarily residential because the vacant commercial properties remain secured and thus do not come to the attention of the Code Enforcement as frequently because, when property secured, a vacant property is less likely to be in violation of City codes. Ms. Connors provided a chart of vacant properties according to Ward as follows: Ward 1: four; Ward 2: eight; Ward 3: seven; Ward 4: 29; Ward 5: five; Ward 6: 24; Ward 7: two; and Ward 8: seven.

Ms. Connors said the City of Norman currently has several ordinances that might impact vacant structures. First, Chapter 10, Section 10-203 regulates health nuisances. Under this section, Code Enforcement Officers may require property owners to remove any source of filth, condition conducive to the breeding vermin or insects, or any other condition adversely affecting the public health. Property owners of all structures, whether occupied or unoccupied, are required to comply with the section.

Item 1, continued:

Second, under the same section, Code Enforcement Officers may require the boarding and securing exterior openings of abandoned and/or dilapidated structures so as to prevent entry into the structure. Under Chapter 2, Section 202, if a vacant property is found to be unsecured more than three (3) times within a 12 month period or remains secured but vacant for more than 36 months, the Planning and Community Development Department can draft a resolution requesting Council to consider demolition of the structure.

Third, owners of vacant properties must comply with all City ordinances regulating code enforcement and property maintenance issues such as: mowing of weeds, exterior maintenance, structural integrity, and zoning standards.

Ms. Connors said after a review of the ordinances adopted by Tulsa and OKC, along with consideration of the City of Norman ordinances currently in place, Staff believes there are several potential considerations with adoption of an ordinance requiring registration of vacant properties to include the following:

- It would enable the City to maintain a more complete inventory of vacant properties with contact information for property owners and possibly property managers;
- It would be an additional tool for Code Enforcement Officers to use to require property owners to maintain or demolish properties that are negatively impacting their surrounding neighborhoods.

Ms. Connors said another area that needs careful consideration if such an ordinance were to be adopted would be the imposition of a new fee because additional Staff and management of the registration process would be needed. She said both Tulsa and OKC are able to operate their vacant property registration because of the fees involved with registration of vacant/abandoned properties. Registration fees may not cover the cost of the registration implementation; however, Mr. Steve Lewis, City Manager, said there may be push-back from property owners who feel the City is trying to produce a revenue making program. He said such a vacant property registration ordinance can be a very political issue and cause tension not only for Staff, but Council as well.

Chairman Miller asked whether there is a difference for bank-owned properties and Ms. Messner said the process could be a little more difficult depending on what stage the foreclosure is in. She asked if banks can ever be exempt and Ms. Messner said yes, if the property is in bankruptcy. Chairman Miller asked if there are any exceptions for low-income property owners and Staff said no.

Ms. Leah Messner, Assistant City Attorney said locating the property owners is not an issue; however, some live out of town or even out of the state and a vacant/abandoned property registration process may not compel compliance. She said liens can be placed against the property for non-payment of violations when applicable and highlighted the violation process to include issuing warrant for violators. Councilmember Castleberry asked why Federal and State buildings are exempt and Ms. Messner said cities cannot enforce City codes onto Federal and State entities. Councilmember Castleberry asked if the fines could be increased for repeat violators so that they know the City of Norman is serious about this particular issue and Ms. Messner said some fee penalties are limited by state law. He felt larger fines will catch violator's attention and requested Staff to look at the City's administrative fee system and cost structure for violators.

Chairman Miller requested Mr. Blake Green, Captain at the Norman Police Department, to give his opinion as a representative of the Police Department and Captain Green said vacant and/or abandoned property can be used as shelter for the homeless and/or places to distribute and/or use drugs. He said a very enlightening experience occurred recently when a nuisance problem located on Cruce Street came before Council. Captain Green said the Police Department, Code Enforcement, and the City Attorney's Office worked diligently together to help resolve the issue; however, he felt a vacant and/or abandoned property ordinance would provide more proactive opportunities for the City. He said although there is not a great deal of vacant and/or abandoned property in

Item 1, continued:

Norman; he felt having a local contact for property would be very helpful to the Police Department and Code Enforcement Division for when and if issue arise.

Councilmember Jungman said if a vacant or abandoned house is secured and no violation exists, property owners should not be “punished” by having to register with the City and Councilmember Castleberry agreed. Councilmember Jungman felt property owners who did the right thing did not need more requirements assigned to them. He did agree that another tool in the toolbox would help assign fines to violators and suggested implementing a requirement making only violators register with the City. Councilmember Castleberry agreed and said the City needs to consider weighing property rights versus property violators. He felt there should be a mechanism in place that will not allow people to “just walk away” from their homes and/or property.

Councilmember Holman asked whether the empty Perfect Swing building located on Highway 9 is in violation and Ms. Connors said no because the property is kept in accordance with current City code. He asked whether a vacant/abandoned property ordinance would assist with properties such the College Park apartments; whereas, four (4) units are occupied and 28 units are vacant. Ms. Connors said yes, the property owner would have to register with the City.

Chairman Miller felt more moderate steps would be more appropriate and the Committee requested Staff to bring back information regarding vacant/abandoned properties to the January, 2014, Oversight Committee meeting to include:

- Research similar college cities, i.e., Boulder, Waco, Lawrence, Manhattan, Fayetteville, Ann Arbor, and Columbia, to see if they have similar issues with vacant and/or abandoned property and whether or not they have a vacant/abandoned property ordinance;
- Does the Cleveland County Assessor adjust taxes for vacant houses;
- Look at administrative fee system and cost structure for violators; and
- Staff will drive to the City of Tulsa to research and see how their vacant/abandoned property ordinance process is working for their community.

Items submitted for the record

1. Memorandum dated December 6, 2013, from Susan Connors, Director of Planning and Community Development, and Leah Messner, Assistant City Attorney, to City Council Oversight Committee with attachments City of Tulsa Ordinance No. 22269 and pertinent excerpt from the City of Oklahoma City Code Chapter 35, Nuisances, Article IX, Vacant and Abandoned Buildings

Item 2, being:

MISCELLANEOUS DISCUSSION.

Mr. Steve Lewis, City Manager, informed the Committee that per Council request, information regarding Gas and Oil Well Fencing was included in the Oversight packets for informational purposes as it was not an item on tonight’s agenda.

ADJOURNMENT.

The meeting adjourned at 6:34 p.m.